S.B.CRIMINAL MISC. BAIL APPLICATION NO.3450/2006

Date : 10.08.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. Mridul Jain for the applicants.
Mr. Vishnu Kachhawaha, Public Prosecutor for State.

I have heard learned counsel for the applicants as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicants is that in the instant case in the First Information Report correct version has not been put-forward by the prosecution. He submits that a cross FIR has also been lodged. According to him, in the instant case, the applicants are said to have Lathis in their hands and the injuries caused on the person of the complainant are simple in nature. He further submits that present applicant Raju Ram has also sustained injuries.

On the other hand, learned Public Prosecutor has opposed the bail application and submitted that investigation is

pending, therefore, he should not be enlarged on bail.

I have considered the submissions made before me.

Taking into consideration overall facts and circumstances of the present case, prima facie, it appears that quarrel between the parties took place and both the parties sustained simple injuries and looking to the nature of injuries and the incident, I deem it just and proper to grant anticipatory bail to the applicants. Accordingly, it is directed that in the event of arrest of applicants (1) Raju Ram son of Hukma Ram and (2) Ram Lal son of Hukma Ram by I.O./S.H.O.in FIR No.278/2006 P.S. Nokha, District Bikaner, they shall be released on bail provided each of them furnishes a personal bond in the sum of Rs.30,000/- alongwith two sound and sureties in the sum of Rs.15,000/- each to the satisfaction of Investigating Officer on the following conditions:-

(i)That they shall make themselves available for interrogation by a police officer as and when required;

(ii)That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That they shall not leave India without the previous permission of the Court.

(SATYA PRAKASH PATHAK), J.

vijayant